

# ASSEMBLY, No. 5126

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2019

**Sponsored by:**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman R. BRUCE LAND**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Authorizes mayors to veto proposed actions of municipal authorities.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT authorizing mayors to veto actions of municipal authorities  
2 and revising various parts of the statutory law.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 22 of P.L.1983, c.313 (C.40A:5A-22) is amended to  
8 read as follows:

9 22. a. Records of minutes, accounts, bills, vouchers, contracts  
10 or other papers connected with or used or filed with any authority or  
11 with any officer or employee acting for or in its behalf are declared  
12 to be public records, and shall be open to public inspection in  
13 accordance with P.L.1963, c. 73 (C. 47:1A-1 et seq.) and  
14 regulations of the authority.

15 b. (1) The secretary of an authority created by a municipality,  
16 including a joint municipal authority, which has adopted an  
17 ordinance authorizing the mayor to veto the minutes of the  
18 authority, shall certify and deliver a copy of the approved minutes  
19 of every meeting of the authority to the mayor and each member of  
20 the governing body of the municipality by the end of the fifth  
21 business day following the meeting at which the minutes were  
22 approved. No action taken at a meeting of an authority created by a  
23 municipality shall take effect until 10 days after the date of  
24 delivery.

25 (2) Within 10 days of the date of delivery, the mayor of a  
26 municipality that has created an authority, with the consent of a  
27 majority of the members of the governing body of the municipality,  
28 may veto any action taken by the authority, or any member thereof,  
29 at a meeting of the authority. If the mayor takes no action with  
30 respect to the minutes within the 10-day period, the minutes shall be  
31 deemed to be approved.

32 (3) An action taken at a meeting of an authority created by a  
33 municipality shall not take effect if, within 10 days after the date of  
34 delivery, the mayor and governing body veto the action taken by the  
35 authority, or a member thereof, and return to the authority a copy of  
36 the minutes with a veto of the action taken.

37 (4) The veto power accorded under this subsection shall not  
38 affect in any way the covenants contained in the bond indentures of  
39 the authority, or any collective bargaining agreement or binding  
40 arbitration decisions affecting employees of the authority.

41 (5) The provisions of this subsection shall not apply to an  
42 authority established pursuant to P.L.1992, c.165 (C.40:54D-1 et  
43 seq.).

44 (cf: P.L.1983, c.313, s.22)

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1       2. R.S.40:48-1 is amended to read as follows:

2       40:48-1. Ordinances; general purpose. The governing body of  
3 every municipality may make, amend, repeal and enforce  
4 ordinances to:

5       Finances and property. 1. Manage, regulate and control the  
6 finances and property, real and personal, of the municipality;

7       Contracts and contractor's bonds. 2. Prescribe the form and  
8 manner of execution and approval of all contracts to be executed by  
9 the municipality and of all bonds to be given to it;

10       Officers and employees; duties, terms and salaries. 3. Prescribe  
11 and define, except as otherwise provided by law, the duties and  
12 terms of office or employment, of all officers and employees; and to  
13 provide for the employment and compensation of such officials and  
14 employees, in addition to those provided for by statute, as may be  
15 deemed necessary for the efficient conduct of the affairs of the  
16 municipality;

17       Fees. 4. Fix the fees of any officer or employee of the  
18 municipality for any service rendered in connection with his office  
19 or position, for which no specific fee or compensation is provided.  
20 In the case of salaried officers or employees, such fee shall be paid  
21 into the municipal treasury;

22       Salaries instead of fees; disposition of fees. 5. Provide that any  
23 officer or employee receiving compensation for his services, in  
24 whole or in part by fees, whether paid by the municipality or  
25 otherwise, shall be paid a salary to be fixed in the ordinance, and  
26 thereafter all fees received by such officer or employee shall be  
27 paid into the municipal treasury;

28       Maintain order. 6. Prevent vice, drunkenness and immorality; to  
29 preserve the public peace and order; to prevent and quell riots,  
30 disturbances and disorderly assemblages; to prohibit the  
31 consumption of alcoholic beverages by underage persons on private  
32 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

33       Punish beggars; prevention of loitering. 7. Restrain and punish  
34 drunkards, vagrants, mendicants and street beggars; to prevent  
35 loitering, lounging or sleeping in the streets, parks or public places;

36       Auctions and noises. 8. Regulate the ringing of bells and the  
37 crying of goods and other commodities for sale at auction or  
38 otherwise, and to prevent disturbing noises;

39       Swimming; bathing costume; prohibition of public nudity. 9.  
40 Regulate or prohibit swimming or bathing in the waters of, in, or  
41 bounding the municipality, and to regulate or prohibit persons from  
42 appearing upon the public streets, parks and places clad in bathing  
43 costumes or robes, or costumes of a similar character; regulate or  
44 prohibit persons from appearing in a state of nudity upon all lands  
45 within its borders which are under the jurisdiction of the State  
46 including, without limitation, all lands owned by, controlled by,  
47 managed by or leased by the State;

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- 1 Prohibit annoyance of persons or animals. 10. Regulate or  
2 prohibit any practice tending to frighten animals, or to annoy or  
3 injure persons in the public streets;
- 4 Animals; pounds; establishment and regulation. 11. Establish  
5 and regulate one or more pounds, and to prohibit or regulate the  
6 running at large of horses, cattle, dogs, swine, goats and other  
7 animals, and to authorize their impounding and sale for the penalty  
8 incurred, and the costs of impounding, keeping and sale; to regulate  
9 or prohibit the keeping of cattle, goats or swine in any part of the  
10 municipality; to authorize the destruction of dogs running at large  
11 therein;
- 12 Hucksters. 12. Prescribe and regulate the place of vending or  
13 exposing for sale articles of merchandise from vehicles;
- 14 Building regulations; wooden structures. 13. Regulate and  
15 control the construction, erection, alteration and repair of buildings  
16 and structures of every kind within the municipality; and to  
17 prohibit, within certain limits, the construction, erection or  
18 alteration of buildings or structures of wood or other combustible  
19 material;
- 20 Inflammable materials; inspect docks and buildings. 14.  
21 Regulate the use, storage, sale and disposal of inflammable or  
22 combustible materials, and to provide for the protection of life and  
23 property from fire, explosions and other dangers; to provide for  
24 inspections of buildings, docks, wharves, warehouses and other  
25 places, and of goods and materials contained therein, to secure the  
26 proper enforcement of such ordinance;
- 27 Dangerous structures; removal or destruction; procedure. 15.  
28 Provide for the removal or destruction of any building, wall or  
29 structure which is or may become dangerous to life or health, or  
30 might tend to extend a conflagration; and to assess the cost thereof  
31 as a municipal lien against the premises;
- 32 Chimneys and boilers. 16. Regulate the construction and setting  
33 up of chimneys, furnaces, stoves, boilers, ovens and other  
34 contrivances in which fire is used;
- 35 Explosives. 17. Regulate, in conformity with the statutes of this  
36 State, the manufacture, storage, sale, keeping or conveying of  
37 gunpowder, nitroglycerine, dynamite and other explosives;
- 38 Firearms and fireworks. 18. Regulate and prohibit the sale and  
39 use of guns, pistols, firearms, and fireworks of all descriptions;
- 40 Soft coal. 19. Regulate the use of soft coal in locomotives,  
41 factories, power houses and other places;
- 42 Theaters, schools, churches and public places. 20. Regulate the  
43 use of theaters, cinema houses, public halls, schools, churches, and  
44 other places where numbers of people assemble, and the exits  
45 therefrom, so that escape therefrom may be easily and safely made  
46 in case of fire or panic; and to regulate any machinery, scenery,  
47 lights, wires and other apparatus, equipment or appliances used in  
48 all places of public amusement;

1       Excavations. 21. Regulate excavations below the established  
2       grade or curb line of any street, not greater than eight feet, which  
3       the owner of any land may make, in the erection of any building  
4       upon his own property; and to provide for the giving of notice, in  
5       writing, of such intended excavation to any adjoining owner or  
6       owners, and that they will be required to protect and care for their  
7       several foundation walls that may be endangered by such  
8       excavation; and to provide that in case of the neglect or refusal, for  
9       10 days, of such adjoining owner or owners to take proper action to  
10      secure and protect the foundations of any adjacent building or other  
11      structure, that the party or parties giving such notice, or their  
12      agents, contractors or employees, may enter into and upon such  
13      adjoining property and do all necessary work to make such  
14      foundations secure, and may recover the cost of such work and  
15      labor in so protecting such adjacent property; and to make such  
16      further and other provisions in relation to the proper conduct and  
17      performance of said work as the governing body or board of the  
18      municipality may deem necessary and proper;

19      Sample medicines. 22. Regulate and prohibit the distribution,  
20      depositing or leaving on the public streets or highways, public  
21      places or private property, or at any private place or places within  
22      any such municipality, any medicine, medicinal preparation or  
23      preparations represented to cure ailments or diseases of the body or  
24      mind, or any samples thereof, or any advertisements or circulars  
25      relating thereto, but no ordinance shall prohibit a delivery of any  
26      such article to any person above the age of 12 years willing to  
27      receive the same;

28      Boating. 23. Regulate the use of motor and other boats upon  
29      waters within or bounding the municipality;

30      Fire escapes. 24. Provide for the erection of fire escapes on  
31      buildings in the municipality, and to provide rules and regulations  
32      concerning the construction and maintenance of the same, and for  
33      the prevention of any obstruction thereof or thereon;

34      Care of injured employees. 25. Provide for the payment of  
35      compensation and for medical attendance to any officer or  
36      employee of the municipality injured in the performance of his  
37      duty;

38      Bulkheads and other structures. 26. Fix and determine the lines  
39      of bulkheads or other works or structures to be erected, constructed  
40      or maintained by the owners of lands facing upon any navigable  
41      water in front of their lands, and in front of or along any highway or  
42      public lands of said municipality, and to designate the materials to  
43      be used, and the type, height and dimensions thereof;

44      Lifeguard. 27. Establish, maintain, regulate and control a  
45      lifeguard upon any beach within or bordering on the municipality;

46      Appropriation for life-saving apparatus. 28. Appropriate  
47      moneys to safeguard people from drowning within its borders, by  
48      location of apparatus or conduct of educational work in harmony

1 with the plans of the United States volunteer life-saving corps in  
2 this State;

3 Fences. 29. Regulate the size, height and dimensions of any  
4 fences between the lands of adjoining owners, whether built or  
5 erected as division or partition fences between such lands, and  
6 whether the same exist or be erected entirely or only partly upon the  
7 lands of any such adjoining owners, or along or immediately  
8 adjacent to any division or partition line of such lands. To provide,  
9 in such ordinance, the manner of securing, fastening or shoring such  
10 fences, and for surveying the land when required by statute, and to  
11 prohibit in any such ordinance the use at a height of under 10 feet  
12 from the ground, of any device, such as wire or cable, that would be  
13 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-  
14 the-road vehicles, unless that device is clearly visible to pedestrians,  
15 equestrians, bicyclists or drivers of off-the-road vehicles. In the  
16 case of fences thereafter erected contrary to the provisions thereof,  
17 the governing body may provide for a penalty for the violation of  
18 such ordinance, and in the case of such fence or fences erected or  
19 existing at the time of the passage of any such ordinance, may  
20 provide therein for the removal, change or alteration thereof, so as  
21 to make such fence or fences comply with the provisions of any  
22 such ordinance;

23 Advertise municipality. 30. Appropriate funds for advertising  
24 the advantages of the municipality;

25 Government Energy Aggregation Programs. 31. Establish  
26 programs and procedures pursuant to which the municipality may  
27 act as a government aggregator pursuant to sections 40 through 43  
28 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of  
29 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,  
30 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the  
31 provisions of any other law, rule or regulation to the contrary, a  
32 municipality acting as a government aggregator pursuant to  
33 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public  
34 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed  
35 to be operating any form of public utility service pursuant to  
36 R.S.40:62-1 et seq., to the extent such municipality is solely  
37 engaged in the provision of such aggregation service and not  
38 otherwise owning or operating any plant or facility for the  
39 production or distribution of gas, electricity, steam or other product  
40 as provided in R.S.40:62-12;

41 Joint municipal action on consent for the provision of cable  
42 television service. 32. Establish programs and procedures pursuant  
43 to which a municipality may act together with one or more  
44 municipalities in granting municipal consent for the provision of  
45 cable television service pursuant to the provisions of the "Cable  
46 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended  
47 and supplemented. Notwithstanding the provisions of any other  
48 law, rule or regulation to the contrary, two or more municipalities

1 acting jointly pursuant to the provisions of P.L.1972, c.186  
2 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to  
3 R.S.48:1-1 et seq., to the extent those municipalities are solely  
4 engaged in granting municipal consent jointly and are not otherwise  
5 owning or operating any facility for the provision of cable  
6 television service as provided in P.L.1972, c.186 (C.48:5A-1 et  
7 seq.);

8 Private cable television service aggregation programs. 33.  
9 Establish programs and procedures pursuant to which a  
10 municipality may employ the services of a private aggregator for  
11 the purpose of facilitating the joint action of two or more  
12 municipalities in granting municipal consent for the provision of  
13 cable television service provided that any such municipality shall  
14 adhere to the provisions of the "Cable Television Act," P.L.1972,  
15 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the  
16 provisions of the "Local Public Contracts Law," P.L.1971, c.198  
17 (C.40A:11-1 et seq.) as amended and supplemented.  
18 Notwithstanding the provisions of any other law, rule or regulation  
19 to the contrary, a municipality that employs the services of a private  
20 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-  
21 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-  
22 1 et seq., to the extent that the municipality is solely engaged in  
23 employing the services of a private aggregator for the purpose of  
24 facilitating the joint action of two or more municipalities in  
25 granting municipal consent and is not otherwise owning or  
26 operating any facility for the provision of cable television service as  
27 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

28 Protective Custody. 34. Provide protective custody to persons  
29 arrested for operating a motor vehicle under the influence of  
30 alcoholic beverages, any chemical substance, or any controlled  
31 dangerous substance in violation of R.S.39:4-50 as provided in  
32 section 1 of P.L.2003, c.164 (C.40:48-1.3);

33 Private Outdoor Video Surveillance Camera Registry. 35.  
34 Establish a private outdoor video surveillance camera registry and  
35 allow voluntary registration of private outdoor video surveillance  
36 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

37 Authorities. 36. Provide the mayor with veto power over the  
38 approved minutes of any authority, to which the municipality is  
39 required to appoint one or more members, pursuant to the  
40 provisions of section 22 of P.L.1983, c.313 (C.40A:5A-22). The  
41 municipal clerk of a municipality adopting an ordinance pursuant to  
42 this paragraph shall forward a copy of the ordinance to any  
43 authority to which the municipality is required to appoint one or  
44 more members no later than five days following final passage of the  
45 ordinance.

46 (cf: P.L.2015, c.142, s.3.)

1       3. Section 6 of P.L.2006, c.46 (C.30:9-23.20) is amended to  
2 read as follows:

3       6. a. (1) A municipal authority shall exercise its powers and  
4 duties to manage and operate a hospital owned by it through a  
5 contract or contracts with a manager, which may be entered into  
6 without public advertising for bid as otherwise required pursuant to  
7 the provisions of section 3 of P.L.1971, c.198 (C.40A:11-3);  
8 provided, however, that the primary responsibility of operating the  
9 hospital shall remain that of the authority.

10       (2) A county authority may exercise its powers and duties to  
11 manage, operate, and maintain a county hospital through a contract  
12 or contracts with a manager, which contract or contracts shall be  
13 entered into by competitive contracting pursuant to the "Local  
14 Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

15       b. (1) The initial duration of a contract entered into pursuant to  
16 paragraph (1) of subsection a. of this section shall not exceed five  
17 years. A contract entered into pursuant to paragraph (1) of  
18 subsection a. of this section may be renewed for an additional  
19 period, not to exceed five years. A contract entered into pursuant to  
20 paragraph (1) of subsection a. of this section more than ten years  
21 from the date of the initial contract shall be negotiated as a new  
22 contract and not as a renewal contract.

23       (2) The initial duration of a contract entered into pursuant to  
24 paragraph (2) of subsection a. of this section shall not exceed the  
25 term provided for in subsection (47) of section 15 of P.L.1971,  
26 c.198 (C.40A:11-15).

27       c. A contract, or a renewal thereof, with a manager to manage  
28 and operate a hospital shall be effective only with the prior written  
29 consent of the Local Finance Board, which shall consult with the  
30 Commissioner of Health **and Senior Services**. The Local Finance  
31 Board shall establish an application procedure, submission  
32 requirements, and set minimum standards and content that shall be  
33 included in any contract with an entity to manage and operate a  
34 hospital.

35       A contract with a manager shall provide that, in addition to such  
36 other matters as determined to be necessary by the authority or as  
37 otherwise required by law or regulation:

38       (1) The authority or its agents, and the city or county or the  
39 agents of the city or county, shall have independent access to the  
40 books and records of the hospital at all times;

41       (2) The Governor of the State of New Jersey shall appoint an  
42 individual to serve on the board of directors of the manager during  
43 the term of the contract, including renewals; and

44       (3) Other than for routine, day-to-day business activities, the  
45 authority shall have the final determination regarding the  
46 acquisition and disposition of assets, or the incurring of debt or  
47 expenses.



1 d. When contracting with a manager, the individuals that the  
2 manager proposes to designate as the hospital's chief executive  
3 officer and chief financial officer, by whatever title, and any change  
4 thereof, and all contracts or other arrangements setting forth terms  
5 and conditions of employment for those positions shall be subject to  
6 the approval of the authority.

7 e. An authority shall take the following actions pursuant to any  
8 requirements that may be established by the Local Finance Board:

9 (1) adopt a management plan for the hospital, including  
10 monitoring and review methods of financial activities;

11 (2) set minimum requirements for meetings of the authority, and  
12 minimum attendance requirements for members;

13 (3) establish a formal mechanism for communication among the  
14 members of the authority's board, hospital administrators and  
15 medical staff;

16 (4) form a finance committee, which shall be responsible for the  
17 oversight of the finances of the authority, and delineate the duties  
18 and obligations of the finance committee; and

19 (5) include minimum provisions that shall be included in a  
20 contract with a manager. Such provisions shall include the  
21 submission of an annual budget of the hospital and of the manager  
22 by the manager for the approval of the authority. The approval of  
23 these items shall be conditioned upon the approval of the authority's  
24 annual budget pursuant to the "Local Authorities Fiscal Control  
25 Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). The budget and any  
26 supporting documents as may be required by the Division of Local  
27 Government Services shall be submitted to the division as part of  
28 the submission of the authority's annual budget.

29 f. The secretary of an authority created by a municipality shall  
30 certify and deliver a copy of the approved minutes of every meeting  
31 of the authority to the mayor and each member of the governing  
32 body of the municipality by the end of the fifth business day  
33 following the meeting at which the minutes were approved. No  
34 action taken at a meeting of an authority created by a municipality  
35 shall take effect until 10 days after the date of delivery. Within 10  
36 days of the date of delivery, the mayor of a municipality that has  
37 created an authority, with the consent of a majority of the members  
38 of the governing body of the municipality, may veto any action  
39 taken by the authority, or any member thereof, at a meeting of the  
40 authority. If the mayor takes no action with respect to the minutes  
41 within the 10-day period, the minutes shall be deemed to be  
42 approved. An action taken at a meeting of an authority created by a  
43 municipality shall not take effect if, within 10 days after the date of  
44 delivery, the mayor and governing body veto the action taken by the  
45 authority, or a member thereof, and return to the authority a copy of  
46 the minutes with a veto of the action taken. The veto power  
47 accorded under this paragraph shall not affect in any way the  
48 covenants contained in the bond indentures of the authority, or any

1 collective bargaining agreement or binding arbitration decisions  
2 affecting employees of the authority.

3 (cf: P.L.2016, c.55, s.5)

4  
5 4. Section 6 of P.L.1948, c.198 (C.40:11A-6) is amended to  
6 read as follows:

7 6. (1) Every parking authority shall constitute a public body  
8 corporate and politic and a political subdivision of the State with  
9 the same territorial boundaries as the boundaries of the municipality  
10 or county creating the authority, exercising public and essential  
11 governmental functions, and having all the powers necessary or  
12 convenient to carry out and effectuate its corporate purposes and the  
13 purposes and provisions of **[this act]** P.L.1948, c.198 (40:11A-1 et  
14 seq.).

15 (2) The purposes of every parking authority shall be the  
16 construction, provision or operation of offstreet parking projects  
17 within its area of operation and, subject to the provisions of R.S.  
18 39:4-202, shall include, to the extent authorized by the governing  
19 body of the municipality, the management and operation of onstreet  
20 and other parking meters and related facilities and enforcement of  
21 the applicable law, ordinances and regulations as to the parking of  
22 vehicles in such municipality, and the consequent promotion of free  
23 movement of traffic and relief of traffic congestion on the streets of  
24 said area or municipality and improvement of conditions affecting  
25 the public safety and welfare therein.

26 (3) Every parking authority is hereby authorized to plan, design,  
27 construct, reconstruct, enlarge, improve, manage, maintain, repair,  
28 operate and use such parking project or projects as in the opinion of  
29 the authority will provide an effective and satisfactory method for  
30 promoting the purposes of the authority.

31 (4) Every parking authority shall have perpetual succession and  
32 have the following powers in addition to any others herein granted:

33 (a) To sue and be sued; to have a seal and to alter the same at  
34 pleasure; to make and execute contracts and other instruments  
35 necessary or convenient to the exercise of the powers of the  
36 authority; and to make and from time to time amend and repeal  
37 bylaws, rules and regulations, not inconsistent with this act, to carry  
38 into effect the powers and purposes of the authority.

39 (b) To conduct research respecting parking and the possibility or  
40 necessity of fulfillment of public needs in relation thereto.

41 (c) To acquire by gift, purchase, lease, devise or otherwise and  
42 hold and use, and to construct, improve, maintain, operate, own,  
43 manage, or lease either in a capacity of lessor or lessee parking  
44 projects and any land, franchise, property, real, personal or mixed,  
45 tangible or intangible, or any interest therein, meters, equipment or  
46 facilities to be devoted to the parking or storage of vehicles of any  
47 kind or which in the opinion of the authority are necessary or useful  
48 and convenient in connection therewith or with the promotion of

1 free movement of traffic, subject to the provisions of R.S. 39:4-  
2 202.

3 (d) Subject to the provisions of paragraph **[5]** (5) of this  
4 section, to lease as lessor any real property, parking project or  
5 portion or portions of parking projects for any business, commercial  
6 or other use to any person for such consideration and for such  
7 period or periods of time and upon such other terms and conditions  
8 as it may fix and agree upon. Any such lease may be upon  
9 condition that the lessee shall or may construct or provide any  
10 building or buildings or other facilities on such real property,  
11 parking project or projects or portions thereof, including space for  
12 business, commercial or other uses, all upon such terms and  
13 conditions as may be agreed upon.

14 (e) To sell, transfer and dispose of any property or interest  
15 therein at any time acquired by it upon such terms and conditions as  
16 it may determine, with or without public bidding.

17 (f) To fix, alter, charge and collect rents, rates and other charges  
18 at reasonable rates to be determined exclusively by it, for the use of  
19 the facilities and projects of the authority and for all services sold,  
20 furnished or supplied directly or indirectly by the authority through  
21 said facilities and projects, which shall, together with any grants,  
22 receipts, contributions or income from other sources, be sufficient  
23 to provide for the payment of the expenses of the authority, repair,  
24 maintenance and operation of its facilities and projects, and  
25 payment of the principal of and interest on, and any premiums  
26 upon the redemption of, its bonds and other obligations, and to  
27 fulfill the terms and provisions of any agreements made with the  
28 purchasers or holders of any such bonds or other obligations.

29 (g) To invest any funds held in reserve or sinking funds, or any  
30 funds not required for immediate disbursement, in property or  
31 securities in which savings banks may legally invest funds subject  
32 to their control.

33 (h) To borrow money and accept grants from and to enter into  
34 contracts, leases or other transactions with the State of New Jersey,  
35 any Federal agency, any person, or any municipality, county or  
36 other public body.

37 (i) To mortgage, pledge, hypothecate or otherwise encumber all  
38 or any of its property or assets then existing or thereafter acquired  
39 or coming into existence, including real and personal property  
40 donated to it by a municipality or county.

41 (j) To enter into contracts with the State of New Jersey or any  
42 municipality, county or governmental agency for the use of any  
43 project of the authority.

44 (k) To do and perform any acts and things authorized by **[this**  
45 **act]** P.L.1948, c.198 (C.40:11A-1 et seq.) under, through or by  
46 means of its own officers, agents and employees, or by contract  
47 with any person.

1 (l) To enter into and perform any and all contracts, execute any  
2 and all instruments, and do and perform any and all acts and things  
3 necessary or useful and convenient for the purposes of the authority  
4 or to carry out any of the powers expressly granted to it by **【this**  
5 **act】** P.L.1948, c.198 (C.40:11A-1 et seq.) or any other acts subject  
6 to P.L.1971, c.198 "Local Public Contracts Law" (C.40A:11-1 et  
7 seq.).

8 (5) No parking authority shall engage directly in the sale of  
9 gasoline or accessories for, or in the repair or other servicing of,  
10 automobiles and other motor vehicles except in emergency, or shall  
11 engage directly in the sale of any commodity of trade or commerce,  
12 but any authority may include in any parking project, and provide  
13 and lease as lessor, structures, buildings, space or accommodations  
14 (whether constructed by the authority or by a lessee) for any  
15 business, commercial or other use, including the sale of gasoline or  
16 accessories for, or the repair or other servicing of, automobiles and  
17 other motor vehicles, if, in the opinion of the authority, such  
18 inclusion, provision and proposed leasing is necessary to assist in  
19 defraying the expenses of the authority and make possible the  
20 operation of the parking facilities of such project at reasonable rates  
21 and will increase the facilities for offstreet parking which can be  
22 feasibly included, financed, constructed and operated as part of  
23 such project.

24 (6) The secretary of an authority created by a municipality shall  
25 certify and deliver a copy of the approved minutes of every meeting  
26 of the authority to the mayor and each member of the governing  
27 body of the municipality by the end of the fifth business day  
28 following the meeting at which the minutes were approved. No  
29 action taken at a meeting of an authority created by a municipality  
30 shall take effect until 10 days after the date of delivery. Within 10  
31 days of the date of delivery, the mayor of a municipality that has  
32 created an authority, with the consent of a majority of the members  
33 of the governing body of the municipality, may veto any action  
34 taken by the authority, or any member thereof, at a meeting of the  
35 authority. If the mayor takes no action with respect to the minutes  
36 within the 10-day period, the minutes shall be deemed to be  
37 approved. An action taken at a meeting of an authority created by a  
38 municipality shall not take effect if, within 10 days after the date of  
39 delivery, the mayor and governing body veto the action taken by the  
40 authority, or a member thereof, and return to the authority a copy of  
41 the minutes with a veto of the action taken. The veto power  
42 accorded under this paragraph shall not affect in any way the  
43 covenants contained in the bond indentures of the authority, or any  
44 collective bargaining agreement or binding arbitration decisions  
45 affecting employees of the authority.

46 (cf: P.L.1975, c.96, s.1)

1       5. Section 5 of P.L.1946, c.138 (C.40:14A-5) is amended to  
2 read as follows:

3       5. (a) The powers of a sewerage authority shall be vested in  
4 the members thereof in office from time to time. A majority of the  
5 entire authorized membership of the sewerage authority shall  
6 constitute a quorum at any meeting thereof. Action may be taken  
7 and motions and resolutions adopted by the sewerage authority at  
8 any meeting of the members thereof by vote of a majority of the  
9 members present, unless in any case the by-laws of the sewerage  
10 authority shall require a larger number. The sewerage authority  
11 may delegate to one or more of its officers, agents or employees  
12 such powers and duties as it may deem proper.

13       The minutes of every meeting of an authority created by a county  
14 organized pursuant to the provisions of the "county executive plan"  
15 of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-  
16 1 et seq.) shall be delivered by the end of the fifth business day  
17 following the meeting, except as otherwise provided herein, by and  
18 under the certification of the secretary of the authority to the county  
19 executive. Except as otherwise provided herein, no action taken at  
20 a meeting by the members of an authority shall be effective until  
21 approved by the county executive or until 10 days after the copy of  
22 the minutes shall have been delivered. If, within the 10-day period,  
23 the county executive returns to the authority and to the board of  
24 freeholders the copy of the minutes with a veto of any action taken  
25 by the authority or any member thereof at a meeting, together with a  
26 written explanation of the reasons for his veto of the action, that  
27 action shall be of no effect unless the board of freeholders overrides  
28 the veto of the action by a majority vote of its full membership  
29 within 10 days of the receipt of the veto action. The county  
30 executive may approve all or any part of an action taken at a  
31 meeting prior to the expiration of the 10-day period. If the county  
32 executive takes no action with respect to the minutes within the 10-  
33 day period, the minutes shall be deemed to be approved. The veto  
34 powers accorded under this subsection shall not affect in any way  
35 the covenants contained in the bond indentures of the authority, or  
36 any collective bargaining agreement or binding arbitration decisions  
37 affecting employees of the authority.

38       No resolution or other action of the authority providing for the  
39 issuance or refunding of bonds or other financial obligations shall  
40 be adopted or otherwise made effective by the authority without the  
41 prior approval in writing of the county executive. This power shall  
42 be exercised with due regard for the rights of the holders of bonds  
43 of the authority at any time outstanding, and nothing in, or done  
44 pursuant to, this subsection shall in any way limit, restrict or alter  
45 the obligations or powers of the authority or any representative or  
46 officer of the authority to carry out and perform in every detail each  
47 and every covenant, agreement or contract at any time made or  
48 entered into by or on behalf of the authority with respect to its

1 bonds or for the benefit, protection or security of the holders  
2 thereof.

3 If two-thirds or more of the members of an authority make a  
4 determination that an action taken at a meeting is in response to an  
5 emergency situation, a copy of the minutes of that meeting shall be  
6 delivered to the county executive as soon as practicable following  
7 the meeting and the county executive shall have up to 24 hours after  
8 the copy of the minutes has been delivered to approve or veto the  
9 minutes of that meeting. If the county executive takes no action  
10 with respect to the minutes within the 24-hour period, the minutes  
11 shall be deemed approved. If, within the 24-hour period, the county  
12 executive returns to the authority and to the board of freeholders the  
13 copy of the minutes with a veto of any action taken by the authority  
14 or any member thereof at the meeting, together with a written  
15 explanation of the reasons for his veto of the action, that action  
16 shall be of no effect unless the board of freeholders overrides the  
17 veto of the action by a majority vote of its full membership within  
18 48 hours of the receipt of the veto action.

19 (b) Each member of a sewerage authority shall hold office for  
20 the term for which he was appointed and until his successor has  
21 been appointed and has qualified.

22 (c) No member, officer or employee of a sewerage authority  
23 shall have or acquire any interest, direct or indirect, in the sewerage  
24 system or in any property included or planned to be included in the  
25 sewerage system or in any contract or proposed contract for  
26 materials or services to be furnished to or used by the sewerage  
27 authority, but neither the holding of any office or employment in  
28 the government of any county or municipality or under any law of  
29 the State nor the owning of any property within the State shall be  
30 deemed a disqualification for membership in or employment by a  
31 sewerage authority, and members of the governing body of a local  
32 unit may be appointed by such governing body and may serve as  
33 members of a sewerage authority. A member of a sewerage  
34 authority may be removed only by the governing body by which he  
35 was appointed and only for inefficiency or neglect of duty or  
36 misconduct in office and after he shall have been given a copy of  
37 the charges against him and, not sooner than ten days thereafter,  
38 had opportunity in person or by counsel to be heard thereon by such  
39 governing body.

40 (d) A sewerage authority may reimburse its members for  
41 necessary expenses incurred in the discharge of their duties. The  
42 resolution, ordinance or parallel ordinances for the creation of a  
43 sewerage authority may provide that the members of the sewerage  
44 authority may receive compensation for their services within an  
45 annual and other limitations to be stated in such resolution,  
46 ordinance or parallel ordinances, and in that event, each member  
47 may receive from the sewerage authority such compensation for his  
48 services as the sewerage authority may determine within the

1 limitations stated in such resolution, ordinance or parallel  
2 ordinances. The said annual or other limitations stated in any such  
3 resolution, ordinance or parallel ordinances may be amended by  
4 subsequent resolution, ordinance or parallel ordinances, as the case  
5 may be, but no reduction of any such limitation shall be effective as  
6 to any member of the sewerage authority then in office except upon  
7 the written consent of the sewerage authority. No member of any  
8 sewerage authority shall receive any compensation for his services  
9 except as provided in this subsection.

10 (e) Every sewerage authority, upon the first appointment of its  
11 members and thereafter on or after the first day of February in each  
12 year, shall annually elect from among its members a chairman and a  
13 vice-chairman who shall hold office, until the first day of February  
14 next ensuing and until their respective successors have been  
15 appointed and have qualified. Every sewerage authority may also,  
16 without regard to the provisions of Title 11 of the Revised Statutes,  
17 appoint and employ a secretary and such professional and technical  
18 advisers and experts and such other officers, agents and employees  
19 as it may require, and shall determine their qualifications, terms of  
20 office, duties and compensation.

21 (f) The minutes of every meeting of an authority created by a  
22 county which has not adopted the provisions of the "Optional  
23 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
24 be delivered by the end of the fifth business day following the  
25 meeting, by and under the certification of the secretary of the  
26 authority to each member of the county board of freeholders. No  
27 action taken at a meeting by the members of an authority shall be  
28 effective if, within 10 days after the copy of the minutes shall have  
29 been delivered to each member of the board of freeholders, such  
30 action is vetoed by the director of the board of freeholders, with the  
31 concurrence of a majority of the members of the board of  
32 freeholders. If, within the 10-day period, the board of freeholders  
33 returns to the authority the copy of the minutes with a veto of any  
34 action taken by the authority or any of the authority's members  
35 thereof at a meeting, that action shall be of no effect. If the director  
36 takes no action with respect to the minutes within the 10-day  
37 period, the minutes shall be deemed to be approved. The veto  
38 power accorded under this subsection shall not affect in any way the  
39 covenants contained in the bond indentures of the authority, or any  
40 collective bargaining agreement or binding arbitration decisions  
41 affecting employees of the authority.

42 (g) The secretary of an authority created by a municipality shall  
43 certify and deliver a copy of the approved minutes of every meeting  
44 of the authority to the mayor and each member of the governing  
45 body of the municipality by the end of the fifth business day  
46 following the meeting at which the minutes were approved. No  
47 action taken at a meeting of an authority created by a municipality  
48 shall take effect until 10 days after the date of delivery. Within 10

1 days of the date of delivery, the mayor of a municipality that has  
2 created an authority, with the consent of a majority of the members  
3 of the governing body of the municipality, may veto any action  
4 taken by the authority, or any member thereof, at a meeting of the  
5 authority. If the mayor takes no action with respect to the minutes  
6 within the 10-day period, the minutes shall be deemed to be  
7 approved. An action taken at a meeting of an authority created by a  
8 municipality shall not take effect if, within 10 days after the date of  
9 delivery, the mayor and governing body veto the action taken by the  
10 authority, or a member thereof, and return to the authority a copy of  
11 the minutes with a veto of the action taken. The veto power  
12 accorded under this subsection shall not affect in any way the  
13 covenants contained in the bond indentures of the authority, or any  
14 collective bargaining agreement or binding arbitration decisions  
15 affecting employees of the authority.

16 (cf: P.L.2010, c.52, s.2)

17  
18 6. Section 14 of P.L.1957, c.183 (C.40:14B-14) is amended to  
19 read as follows:

20 14. a. The powers of a municipal authority shall be vested in the  
21 members thereof in office from time to time. A majority of the  
22 entire authorized membership of the municipal authority shall  
23 constitute a quorum at any meeting thereof. Action may be taken  
24 and motions and resolutions adopted by the municipal authority at  
25 any meeting of the members thereof by vote of a majority of the  
26 members present, unless in any case the by-laws of the municipal  
27 authority shall require a larger number.

28 b. The minutes of every meeting of an authority created by a  
29 county organized pursuant to the provisions of the "county  
30 executive plan" of the "Optional County Charter Law," P.L.1972,  
31 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth  
32 business day following the meeting, except as otherwise provided in  
33 subsection d. of this section, by and under the certification of the  
34 secretary of the authority to the county executive. Except as  
35 otherwise provided in subsection d. of this section, no action taken  
36 at a meeting by the members of an authority shall be effective until  
37 approved by the county executive or until 10 days after the copy of  
38 the minutes shall have been delivered. If, within the 10-day period,  
39 the county executive returns to the authority and to the board of  
40 freeholders the copy of the minutes with a veto of any action taken  
41 by the authority or any member thereof at a meeting, together with a  
42 written explanation of the reasons for his veto of the action, that  
43 action shall be of no effect unless the board of freeholders overrides  
44 the veto of the action by a majority vote of its full membership  
45 within 10 days of the receipt of the veto action. The county  
46 executive may approve all or any part of an action taken at a  
47 meeting prior to the expiration of the 10-day period. If the county  
48 executive takes no action with respect to the minutes within the 10-



1 day period, the minutes shall be deemed to be approved. The veto  
2 powers accorded under this subsection shall not affect in any way  
3 the covenants contained in the bond indentures of the authority, or  
4 any collective bargaining agreement or binding arbitration decisions  
5 affecting employees of the authority.

6 c. No resolution or other action of the authority providing for  
7 the issuance or refunding of bonds or other financial obligations  
8 shall be adopted or otherwise made effective by the authority  
9 without the prior approval in writing of the county executive. This  
10 power shall be exercised with due regard for the rights of the  
11 holders of bonds of the authority at any time outstanding, and  
12 nothing in, or done pursuant to, this subsection shall in any way  
13 limit, restrict or alter the obligations or powers of the authority or  
14 any representative or officer of the authority to carry out and  
15 perform in every detail each and every covenant, agreement or  
16 contract at any time made or entered into by or on behalf of the  
17 authority with respect to its bonds or for the benefit, protection or  
18 security of the holders thereof.

19 d. If two-thirds or more of the members of an authority make a  
20 determination that an action taken at a meeting is in response to an  
21 emergency situation, a copy of the minutes of that meeting shall be  
22 delivered to the county executive as soon as practicable following  
23 the meeting and the county executive shall have up to 24 hours after  
24 the copy of the minutes has been delivered to approve or veto the  
25 minutes of that meeting. If the county executive takes no action  
26 with respect to the minutes within the 24-hour period, the minutes  
27 shall be deemed approved. If, within the 24-hour period, the county  
28 executive returns to the authority and to the board of freeholders the  
29 copy of the minutes with a veto of any action taken by the authority  
30 or any member thereof at the meeting, together with a written  
31 explanation of the reasons for his veto of the action, that action  
32 shall be of no effect unless the board of freeholders overrides the  
33 veto of the action by a majority vote of its full membership within  
34 48 hours of the receipt of the veto action.

35 e. The minutes of every meeting of an authority created by a  
36 county which has not adopted the provisions of the "Optional  
37 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
38 be delivered by the end of the fifth business day following the  
39 meeting, by and under the certification of the secretary of the  
40 authority to each member of the county board of freeholders. No  
41 action taken at a meeting by the members of an authority shall be  
42 effective if within 10 days after the copy of the minutes shall have  
43 been delivered to each member of the board of freeholders, such  
44 action is vetoed by the director of the board of freeholders, with the  
45 concurrence of a majority of the members of the board of  
46 freeholders. If, within the 10-day period, the board of freeholders  
47 returns to the authority the copy of the minutes with a veto of any  
48 action taken by the authority or any of the authority's members

1 thereof at a meeting, that action shall be of no effect. If the director  
2 takes no action with respect to the minutes within the 10-day  
3 period, the minutes shall be deemed to be approved. The veto  
4 power accorded under this subsection shall not affect in any way the  
5 covenants contained in the bond indentures of the authority, or any  
6 collective bargaining agreement or binding arbitration decisions  
7 affecting employees of the authority.

8 f. The secretary of an authority created by a municipality shall  
9 certify and deliver a copy of the approved minutes of every meeting  
10 of the authority to the mayor and each member of the governing  
11 body of the municipality by the end of the fifth business day  
12 following the meeting at which the minutes were approved. No  
13 action taken at a meeting of an authority created by a municipality  
14 shall take effect until 10 days after the date of delivery. Within 10  
15 days of the date of delivery, the mayor of a municipality that has  
16 created an authority, with the consent of a majority of the members  
17 of the governing body of the municipality, may veto any action  
18 taken by the authority, or any member thereof, at a meeting of the  
19 authority. If the mayor takes no action with respect to the minutes  
20 within the 10-day period, the minutes shall be deemed to be  
21 approved. An action taken at a meeting of an authority created by a  
22 municipality shall not take effect if, within 10 days after the date of  
23 delivery, the mayor and governing body veto the action taken by the  
24 authority, or a member thereof, and return to the authority a copy of  
25 the minutes with a veto of the action taken. The veto power  
26 accorded under this subsection shall not affect in any way the  
27 covenants contained in the bond indentures of the authority, or any  
28 collective bargaining agreement or binding arbitration decisions  
29 affecting employees of the authority.

30 (cf: P.L.2010, c.52, s.3)

31  
32 7. Section 5 of P.L.1948, c.348 (C.40:66A-5) is amended to  
33 read as follows:

34 5. (a) The powers of an incinerator or environmental services  
35 authority shall be vested in the members thereof in office from time  
36 to time. A majority of the entire authorized membership of the  
37 incinerator or environmental services authority shall constitute a  
38 quorum at any meeting thereof. Action may be taken and motions  
39 and resolutions adopted by the incinerator or environmental  
40 services authority at any meeting of the members thereof by vote of  
41 a majority of the members present, unless in any case the by-laws of  
42 the incinerator or environmental services authority shall require a  
43 larger number. The incinerator or environmental services authority  
44 may delegate to one or more of its officers, agents or employees  
45 such powers and duties as it may deem proper.

46 (b) Each member of an incinerator or environmental services  
47 authority shall hold office for the term for which he was appointed  
48 and until his successor has been appointed and has qualified.

1 (c) No member, officer or employee of an incinerator or  
2 environmental services authority shall have or acquire any interest,  
3 direct or indirect, in the garbage disposal system , in any property  
4 included or planned to be included in the garbage disposal system  
5 or in any contract or proposed contract for materials or services to  
6 be furnished to or used by the incinerator or environmental services  
7 authority, but neither the holding of any office or employment in  
8 the government of any municipality or under any law of the State  
9 nor the owning of any property within the State shall be deemed a  
10 disqualification for membership in or employment by an incinerator  
11 or environmental services authority. A member of an incinerator or  
12 environmental services authority may be removed only by the  
13 governing body by which he was appointed and only for  
14 inefficiency or neglect of duty or misconduct in office and after he  
15 shall have been given a copy of the charges against him and, not  
16 sooner than ten days thereafter, had opportunity in person or by  
17 counsel to be heard thereon by such governing body.

18 (d) An incinerator or environmental services authority may  
19 reimburse its members for necessary expenses incurred in the  
20 discharge of their duties. The ordinance or parallel ordinances for  
21 the creation of an incinerator or environmental services authority  
22 may provide that the members of the incinerator or environmental  
23 services authority may receive compensation for their services  
24 within an annual and other limitations to be stated in such ordinance  
25 or parallel ordinances, and in that event, each member may receive  
26 from the incinerator or environmental services authority such  
27 compensation for his services as the incinerator or environmental  
28 services authority may determine within the limitations stated in  
29 such ordinance or parallel ordinances. No member of any  
30 incinerator or environmental services authority shall receive any  
31 compensation for his services except as provided in this subsection.

32 (e) Every incinerator or environmental services authority, upon  
33 the first appointment of its members and thereafter on or after the  
34 first day of February in each year, shall annually elect from among  
35 its members a chairman and a vice-chairman who shall hold office,  
36 until the first day of February next ensuing and until their respective  
37 successors have been appointed and have qualified. Every  
38 incinerator or environmental services authority may also appoint  
39 and employ a secretary and such professional and technical advisers  
40 and experts and such other officers, agents and employees as it may  
41 require, and it shall determine their qualifications, duties and  
42 compensation.

43 (f) The secretary of an authority created by a municipality shall  
44 certify and deliver a copy of the approved minutes of every meeting  
45 of the authority to the mayor and each member of the governing  
46 body of the municipality by the end of the fifth business day  
47 following the meeting at which the minutes were approved. No  
48 action taken at a meeting of an authority created by a municipality

1 shall take effect until 10 days after the date of delivery. Within 10  
2 days of the date of delivery, the mayor of a municipality that has  
3 created an authority, with the consent of a majority of the members  
4 of the governing body of the municipality, may veto any action  
5 taken by the authority, or any member thereof, at a meeting of the  
6 authority. If the mayor takes no action with respect to the minutes  
7 within the 10-day period, the minutes shall be deemed to be  
8 approved. An action taken at a meeting of an authority created by a  
9 municipality shall not take effect if, within 10 days after the date of  
10 delivery, the mayor and governing body veto the action taken by the  
11 authority, or a member thereof, and return to the authority a copy of  
12 the minutes with a veto of the action taken. The veto power  
13 accorded under this subsection shall not affect in any way the  
14 covenants contained in the bond indentures of the authority, or any  
15 collective bargaining agreement or binding arbitration decisions  
16 affecting employees of the authority.

17 (cf: P.L. 2012, c.31, s.5)

18  
19 8. Section 15 of P.L.1960, c.192 (C.40:68A-43) is amended to  
20 read as follows:

21 15. a. Any municipality shall have power, in the discretion of  
22 its governing body, and pursuant to ordinance:

23 (1) To appropriate moneys for the purposes of the municipal  
24 port authority, and to loan or donate such moneys to the municipal  
25 port authority in such installments and upon such terms as may be  
26 agreed upon with the municipal port authority;

27 (2) To covenant and agree with the municipal port authority to  
28 pay to, or on order of, the authority annually or at shorter intervals  
29 as a subsidy for the promotion of its purposes, amounts not to  
30 exceed those stated in the ordinance;

31 (3) To unconditionally guarantee the punctual payment of the  
32 principal and interest of bonds of the authority; and

33 (4) Upon authorization by it in accordance with law of the  
34 performance of any act or thing which it is empowered by law to  
35 authorize and perform, and after appropriation of the moneys  
36 necessary, if any, for such performance, to covenant and agree with  
37 the authority to do and perform that act or thing and concerning the  
38 time, manner and other details of the action or performance.

39 b. Any guaranty of bonds of an authority made pursuant to this  
40 section shall be evidenced by endorsement thereof on the bonds,  
41 executed in the name of the municipality and on its behalf by the  
42 officer designated in the ordinance authorizing such guaranty, and  
43 the municipality shall thereupon and thereafter be obligated to pay  
44 the principal of and interest on the bonds in the same manner and to  
45 the same extent as in the case of bonds issued by it. Any guaranty  
46 of bonds of the authority and any ordinance authorizing the  
47 guaranty is subject to all statutory or other debt limitations  
48 including particularly any limitation or requirement under or

1 pursuant to the "Local Bond Law" (N.J.S. 40A:2-1 et seq.), and the  
2 principal amount of bonds guaranteed pursuant to the ordinance  
3 shall be included in the gross and net debt of the municipality for  
4 the purpose of determining the indebtedness of the municipality  
5 under or pursuant to that law. Any payment made by a municipality  
6 pursuant to a guaranty shall be considered "debt service" for  
7 purposes of the municipal spending limitations in P.L.1976, c.68,  
8 s.3 (C.40A:4-45.3).

9 c. Every municipality which shall make any contract, covenant  
10 or agreement with an authority or pledge to an authority pursuant to  
11 this section is hereby authorized and directed to do and perform any  
12 and all acts or things necessary, convenient or desirable to carry out  
13 and perform the same and to provide for the payment or discharge  
14 of any obligation thereunder in the same manner as other  
15 obligations of the municipality. Every authority is hereby  
16 empowered to accept, and make and enter into, any of the contracts,  
17 covenants, agreements or contractual provisions referred to in this  
18 section and is hereby authorized and directed to do and perform any  
19 and all acts and things necessary, convenient or desirable to carry  
20 out and perform the same. The contract, covenant, agreement or  
21 pledge, and any instrument making or evidencing the same, may be  
22 pledged or assigned by the authority to secure its bonds and  
23 thereafter may not be modified except as provided by the terms of  
24 that instrument or by the terms of that pledge or assignment.

25 d. The secretary of an authority created by a municipality shall  
26 certify and deliver a copy of the approved minutes of every meeting  
27 of the authority to the mayor and each member of the governing  
28 body of the municipality by the end of the fifth business day  
29 following the meeting at which the minutes were approved. No  
30 action taken at a meeting of an authority created by a municipality  
31 shall take effect until 10 days after the date of delivery. Within 10  
32 days of the date of delivery, the mayor of a municipality that has  
33 created an authority, with the consent of a majority of the members  
34 of the governing body of the municipality, may veto any action  
35 taken by the authority, or any member thereof, at a meeting of the  
36 authority. If the mayor takes no action with respect to the minutes  
37 within the 10-day period, the minutes shall be deemed to be  
38 approved. An action taken at a meeting of an authority created by a  
39 municipality shall not take effect if, within 10 days after the date of  
40 delivery, the mayor and governing body veto the action taken by the  
41 authority, or a member thereof, and return to the authority a copy of  
42 the minutes with a veto of the action taken. The veto power  
43 accorded under this subsection shall not affect in any way the  
44 covenants contained in the bond indentures of the authority, or any  
45 collective bargaining agreement or binding arbitration decisions  
46 affecting employees of the authority.

47 (cf: P.L.1981, c.547, s.1)

1       9. Section 3-10 of P.L.1950, c.210 (C.40:69A-40) is amended  
2 to read as follows:

3       3-10. The mayor shall:

4       a. Enforce the charter and ordinances of the municipality and  
5 all general laws applicable thereto;

6       b. Report annually to the council and to the public on the state  
7 of the municipality, and the work of the previous year; he shall also  
8 recommend to the council whatever action or programs he deems  
9 necessary for the improvement of the municipality and the welfare  
10 of its residents. He may from time to time recommend any action  
11 or programs he deems necessary or desirable for the municipality to  
12 undertake;

13       c. Supervise, direct and control all departments of the  
14 municipal government and shall require each department to make an  
15 annual and such other reports on its work as he may deem desirable;

16       d. Require such reports and examine such accounts, records  
17 and operations of any board, commission or other agency of  
18 municipal government, as he deems necessary;

19       e. Prepare and submit to the council for its consideration and  
20 adoption an annual operating budget and a capital budget, establish  
21 the schedules and procedures to be followed by all municipal  
22 departments, offices and agencies in connection therewith, and  
23 supervise and administer all phases of the budgetary process;

24       f. Supervise the care and custody of all municipal property,  
25 institutions and agencies, and make recommendations concerning  
26 the nature and location of municipal improvements and execute  
27 improvements determined by the governing body;

28       g. Sign all contracts, bonds or other instruments requiring the  
29 consent of the municipality;

30       h. Review, analyze and forecast trends of municipal services  
31 and finances and programs of all boards, commissions, agencies and  
32 other municipal bodies, and report and recommend thereon to the  
33 council;

34       i. Supervise the development, installation and maintenance of  
35 centralized budgeting, personnel and purchasing procedures as may  
36 be authorized by ordinance;

37       j. Negotiate contracts for the municipality, subject to council  
38 approval;

39       k. Assure that all terms and conditions imposed in favor of the  
40 municipality or its inhabitants in any statute, franchise or other  
41 contract are faithfully kept and performed;

42       l. Serve as an ex officio, nonvoting member of all appointive  
43 bodies in municipal government of which he is not an official  
44 voting member;

45       m. Have authority to veto the minutes of a local authority  
46 pursuant to the provisions of section 22 of P.L.1983, c.313  
47 (C.40A:5A-22).

48 (cf: P.L.1985, c.374, s.5)

1       10. Section 9-7 of P.L.1950, c.210 (C.40:69A-87) is amended to  
2 read as follows:

3       9-7. a. The mayor shall preside at all meetings of the municipal  
4 council and shall have a voice and vote in its proceedings. He shall  
5 fill vacancies occurring in the trustees of the public library and in  
6 the board of education where the municipality is operating under  
7 chapter 6 of Title 18 of the Revised Statutes for such terms of office  
8 as are provided by law. All bonds, notes, contracts and written  
9 obligations of the municipality shall be executed on its behalf by  
10 the mayor or, in the event of his inability to act, by such councilman  
11 as the municipal council shall designate to act as mayor during his  
12 absence or disability. The powers and duties of the mayor shall be  
13 only such as are expressly conferred upon him by this article.

14       b. The mayor may veto the minutes of a local authority  
15 pursuant to the provisions of section 22 of P.L.1983, c.313  
16 (C.40A:5A-22).

17 (cf: P.L.1950, c.210, s.9-7)

18

19       11. Section 13-7 of P.L.1950, c.210 (C.40:69A-121) is amended  
20 to read as follows:

21       13-7. The executive power of the municipality shall be exercised  
22 by the mayor. It shall be his duty to see that all laws and ordinances  
23 in force and effect within the municipality are observed. The mayor  
24 may veto the minutes of a local authority pursuant to the provisions  
25 of section 22 of P.L.1983, c.313 (C.40A:5A-22). He shall address  
26 the council and report to the residents annually, and at such other  
27 times as he may deem desirable, on the condition of the  
28 municipality and upon its problems of government.

29 (cf: P.L.1950, c.210, s.13-7)

30

31       12. Section 36 of P.L.1981, c.465 (C.40:69A-149.7) is amended  
32 to read as follows:

33       36. a. Each ordinance adopted by the council shall be submitted  
34 to the mayor, and he shall within 10 days after receiving it either  
35 approve the ordinance by affixing his signature thereto or return it  
36 to the council by delivering it to the municipal clerk, together with a  
37 written statement of his objections thereto or to any item or part  
38 thereof. No ordinance, or any item or part thereof, shall take effect  
39 without the mayor's approval unless the mayor fails to return an  
40 ordinance to the council within 10 days after it has been presented  
41 to him, or unless the council, upon reconsideration thereof on or  
42 after the third day following its return by the mayor, shall resolve to  
43 override the mayor's veto by a vote of at least 2/3 of the members.

44       b. The mayor may veto the minutes of a local authority  
45 pursuant to the provisions of section 22 of P.L.1983, c.313  
46 (C.40A:5A-22).

47 (cf: P.L.1981, c.465, s.36)

1 13. R.S.40:72-10 is amended to read as follows:

2 40:72-10. At the first meeting after their election the  
3 commissioners shall choose one of their number to preside at all  
4 meetings of the board. He shall be designated "mayor" but shall  
5 have no power to veto any measure, except as provided for in  
6 R.S.40:72-11.  
7 (cf: R.S.40:72-10)

8  
9 14. R.S.40:72-11 is amended to read as follows:

10 40:72-11. The mayor shall be president of the board and shall  
11 preside at its meetings, supervise all departments and report to the  
12 board for its action all matters requiring the attention of the board  
13 or any department. The mayor may veto the minutes of a local  
14 authority pursuant to the provisions of section 22 of P.L.1983, c.313  
15 (C.40A:5A-22).  
16 (cf: R.S.40:72-11)

17  
18 15. R.S.40:81-8 is amended to read as follows:

19 40:81-8. a. The mayor shall preside at all meetings of the  
20 municipal council and shall have a voice and vote in its  
21 proceedings, but shall not have the power of veto, except as  
22 provided for in subsection b. of this section. He shall fill vacancies  
23 occurring in the trustees of the public library for such terms of  
24 offices as are provided by law. All bonds, notes, contracts and  
25 written obligations of the municipality shall be executed on its  
26 behalf by the mayor or, in the event of his inability to act, by such  
27 councilman as the municipal council shall designate to act as mayor  
28 during his absence or disability. The powers and duties of the  
29 mayor shall be only such as are expressly conferred upon him by  
30 this subtitle.

31 b. The mayor may veto the minutes of a local authority  
32 pursuant to the provisions of section 22 of P.L.1983, c.313  
33 (C.40A:5A-22).  
34 (cf: R.S.40:81-8)

35  
36 16. Section 17 of P.L.1992, c.79 (C.40A:12A-17) is amended to  
37 read as follows:

38 17. a. Except as provided in subsection b. of this section, the  
39 governing body of any county or municipality may, by ordinance,  
40 or by resolution in the case of a county whose charter does not  
41 provide for the adoption of ordinances, create a body corporate and  
42 politic to be known as the "Housing Authority of . . .," inserting the  
43 name of the county or municipality. The authority shall constitute  
44 an agency and instrumentality of the municipality or county  
45 creating it. A housing authority shall be created pursuant to the  
46 procedures of the "Local Authorities Fiscal Control Law,"  
47 P.L.1983, c.313 (C.40A:5A-1 et seq.). The authority shall consist of  
48 seven members. In a county that operates under the "county



1 executive plan" set forth in the "Optional County Charter Law,"  
2 P.L.1972, c.154 (C.40:41A-1 et seq.), six members shall be  
3 appointed by the county executive with the advice and consent of  
4 the board of chosen freeholders, and one member shall be appointed  
5 by the Commissioner of Community Affairs. In all other counties  
6 and municipalities, five members shall be appointed by the  
7 governing body of the county or municipality, as the case may be,  
8 one by the mayor or other chief executive officer of the  
9 municipality, or in the case of a county by the director of the board  
10 of chosen freeholders or by the chief executive officer of the county  
11 if the county's charter provides for such an officer, and one by the  
12 Commissioner of Community Affairs. The members shall serve for  
13 terms of five years and until their respective successors have been  
14 appointed and qualified; except that of the five members first  
15 appointed by the governing body one shall be appointed for a term  
16 of one year, one for a term of two years, one for a term of three  
17 years, one for a term of four years and one for a term of five years.  
18 All appointments shall be subject to and made in the manner  
19 required by the law under which the county or municipality is  
20 governed. Vacancies shall be filled in the same manner as the  
21 original appointments were made, but for the unexpired term. If a  
22 vacancy is not filled by the county executive, governing body or  
23 chief executive officer within 90 days of the occurrence of the  
24 vacancy, the Commissioner of the Department of Community  
25 Affairs shall notify the county executive, governing body or chief  
26 executive officer of his intent to fill the vacancy if it is not filled in  
27 30 days. If the vacancy is not filled within that 30 day period, the  
28 commissioner may appoint a member for the unexpired term.

29 In any county or municipality which has heretofore created a  
30 housing authority pursuant to R.S.55:14A-4, the members of the  
31 authority who were appointed by the governing body and the chief  
32 executive officer of the county or municipality and who are in  
33 office upon the effective date of **【this act】** P.L.1992, c.79  
34 (C.40A:12A-1 et seq.) shall continue in office until the expiration of  
35 the terms for which they are appointed and qualified in accordance  
36 with the terms of **【this act】** P.L.1992, c.79 (C.40A:12A-1 et seq.).

37 b. No municipality which has been included with its consent  
38 within the area of operation of a county housing authority shall  
39 thereafter create a municipal housing authority. Where there is no  
40 housing authority in existence in any municipality of a county, the  
41 governing body of that county may create a housing authority, and  
42 thereafter no municipality within that county shall create an  
43 authority without the consent of the county governing body and the  
44 county housing authority.

45 c. A county may provide such publicly assisted housing  
46 programs as it chooses anywhere within the county; but it may  
47 provide such programs in municipalities which are within the area

1 of operation of a county or municipal housing authority only after  
2 adoption of a resolution of the housing authority consenting thereto.

3 d. No more than one member of a housing authority may be an  
4 officer or employee of the municipality or county by which the  
5 authority is created. A certificate of the appointment or  
6 reappointment of any member shall be filed with the clerk of the  
7 municipality or the county, as the case may be, and that certificate  
8 shall be conclusive evidence of the due and proper appointment of  
9 that member. A member of an authority shall receive no  
10 compensation for his services, but shall be entitled to  
11 reimbursement for actual expenses necessarily incurred in the  
12 discharge of the duties of membership, including travel expenses.  
13 The powers of the authority shall be vested in the members thereof  
14 in office from time to time. Four members shall constitute a quorum  
15 of the authority for the purpose of conducting its business and  
16 exercising its powers and all other purposes. Action may be taken  
17 by the authority upon the affirmative vote of the majority, but not  
18 less than four of the members present, unless in any case the bylaws  
19 of the authority shall require a larger number. The authority shall  
20 select a chairman and a vice-chairman from among its members,  
21 and shall employ an executive director, who shall be its secretary.

22 e. No member or employee of an authority shall acquire any  
23 interest, direct or indirect, in any housing project or in any property  
24 included or planned to be included in such a project, nor shall he  
25 have any interest, direct or indirect, in any contract or proposed  
26 contract for materials and services to be furnished or used in  
27 connection with any housing project. If any member or employee  
28 of an authority owns or controls an interest, direct or indirect, in  
29 any property included or planned to be included in a housing project  
30 he shall immediately disclose the same in writing to the authority  
31 and the disclosure shall be entered upon the minutes of the  
32 authority. Failure to disclose such an interest shall constitute  
33 misconduct in office. A member or employee required by this  
34 subsection to make such a disclosure shall not participate in any  
35 action by the authority affecting the property with respect to which  
36 such disclosure is required. For inefficiency or neglect of duty or  
37 misconduct in office a member of an authority may be removed by  
38 the governing body or officer by which he was appointed; but a  
39 member may be removed only after he has been given a copy of the  
40 charges at least 10 days prior to a hearing thereon and has had the  
41 opportunity to be heard in person or by counsel. In the event of a  
42 removal of any member of an authority a record of the proceedings,  
43 together with the charges and findings thereon, shall be filed in the  
44 office of the clerk of the county or municipality.

45 f. The secretary of an authority created by a municipality shall  
46 certify and deliver a copy of the approved minutes of every meeting  
47 of the authority to the mayor and each member of the governing  
48 body of the municipality by the end of the fifth business day

1 following the meeting at which the minutes were approved. No  
2 action taken at a meeting of an authority created by a municipality  
3 shall take effect until 10 days after the date of delivery. Within 10  
4 days of the date of delivery, the mayor of a municipality that has  
5 created an authority, with the consent of a majority of the members  
6 of the governing body of the municipality, may veto any action  
7 taken by the authority, or any member thereof, at a meeting of the  
8 authority. If the mayor takes no action with respect to the minutes  
9 within the 10-day period, the minutes shall be deemed to be  
10 approved. An action taken at a meeting of an authority created by a  
11 municipality shall not take effect if, within 10 days after the date of  
12 delivery, the mayor and governing body veto the action taken by the  
13 authority, or a member thereof, and return to the authority a copy of  
14 the minutes with a veto of the action taken. The veto power  
15 accorded under this subsection shall not affect in any way the  
16 covenants contained in the bond indentures of the authority, or any  
17 collective bargaining agreement or binding arbitration decisions  
18 affecting employees of the authority.

19 (cf: P.L.1993, c.344, s.1)

20  
21 17. N.J.S.40A:60-5 is amended to read as follows:

22 40A:60-5. a. The mayor shall be the head of the municipal  
23 government.

24 b. The mayor shall have all those powers designated by general  
25 law.

26 c. The mayor shall preside at meetings of the council and may  
27 vote to break a tie.

28 d. Every ordinance adopted by the council shall, within five  
29 days after its passage, Sundays excepted, be presented to the mayor  
30 by the borough clerk. The mayor shall, within ten days after  
31 receiving the ordinance, Sundays excepted, either approve the  
32 ordinance by affixing his signature thereto or return it to the council  
33 by delivering it to the clerk together with a statement setting forth  
34 his objections thereto or any item or part thereof. No ordinance or  
35 any item or part thereof shall take effect without the mayor's  
36 approval, unless the mayor fails to return the ordinance to the  
37 council, as prescribed above, or unless the council, upon  
38 consideration of the ordinance following its return, shall, by a vote  
39 of two-thirds of all the members of council, resolve to override the  
40 veto.

41 e. No ordinance shall be passed, or appointment of any  
42 subordinate officer of the borough be confirmed, except by a vote  
43 of a majority of the members of the council present at the meeting,  
44 provided that at least three affirmative votes shall be required for  
45 such purpose, the mayor voting only in the case of a tie.

46 f. If any ordinance contains more than one distinct section,  
47 clause or item, the mayor may approve one or more thereof and  
48 veto the rest.

1 g. The mayor shall nominate and, with the advice and consent  
2 of council, appoint all subordinate officers of the borough, unless  
3 the specific terms of the general law clearly require a different  
4 appointment procedure. He shall make his nomination to any such  
5 office within thirty days of that office becoming vacant.

6 h. The mayor shall see to it that the laws of the State and the  
7 ordinances of the borough are faithfully executed. He shall  
8 recommend to the council such measures as he may deem necessary  
9 or expedient for the welfare of the borough. He shall maintain  
10 peace and good order and have the power to suppress all riots and  
11 tumultuous assemblies in the borough.

12 i. The mayor may veto the minutes of a local authority  
13 pursuant to the provisions of section 22 of P.L.1983, c.313  
14 (C.40A:5A-22).  
15 (cf: N.J.S.40A:60-5)  
16

17 18. N.J.S.40A:61-4 is amended to read as follows:

18 40A:61-4. a. The mayor shall be the chief executive officer of  
19 the city.

20 b. The mayor shall have all those powers designated by general  
21 law.

22 c. The mayor may participate in any deliberation of the council  
23 and, on any occasion where the council is unable to agree with  
24 respect to the adoption of an ordinance or resolution, by reason of  
25 being equally divided in a vote therein, the mayor shall have the  
26 power to cast a vote to break a tie.

27 d. Every ordinance adopted by the council shall, within five  
28 days after its passage, Sundays excepted, be presented to the mayor  
29 by the city clerk. The mayor shall, within 10 days after receiving  
30 the ordinance, Sundays excepted, either approve the ordinance by  
31 affixing his signature thereto or return it to the council by delivering  
32 it to the clerk together with a statement setting forth his objections  
33 thereto or any item or part thereof. No ordinance or any item or part  
34 thereof shall take effect without the mayor's approval, unless the  
35 mayor fails to return the ordinance to the council, as prescribed  
36 above, or unless the council, upon consideration of the ordinance  
37 following its return, shall, by a vote of two-thirds of all the  
38 members of council, resolve to override the veto.

39 e. The mayor shall see to it that the laws of the State and the  
40 ordinances of the city are faithfully executed. He shall recommend  
41 to the council such measures as he may deem necessary or  
42 expedient for the welfare of the city. He shall maintain peace and  
43 good order and have the power to suppress all riots and tumultuous  
44 assemblies in the city.

45 f. The mayor shall be the head of the police department and  
46 shall have the power to appoint, suspend or remove all employees  
47 of the police department. He shall appoint the chief of police and  
48 such captains and sergeants as may be authorized by ordinance,

1 with the advice and consent of council. He shall control and direct  
2 the police force of the city and he may appoint such special  
3 policemen as he may deem necessary for the preservation of public  
4 order. He shall enforce the laws of the State and the ordinances of  
5 the city.

6 g. The mayor shall supervise the official acts of the city  
7 employees and report derelictions of duty to the council.

8 h. The mayor may veto the minutes of a local authority  
9 pursuant to the provisions of section 22 of P.L.1983, c.313  
10 (C.40A:5A-22).

11 (cf: N.J.S.40A:61-4)

12  
13 19. N.J.S.40A:62-5 is amended to read as follows:

14 40A:62-5. a. The councilman-at-large shall be officially known  
15 and designated as the mayor of . . . . . (the name of the  
16 town in which he is elected). He shall be so designated in all  
17 official documents and instruments of every kind, and shall sign all  
18 ordinances, warrants, bonds, notes, contracts and all other official  
19 documents and instruments by said title.

20 b. The mayor shall be the head of the municipal government.

21 c. The mayor shall have all those powers placed in the mayor  
22 by general law.

23 d. The mayor shall be known as the chairman of the council,  
24 preside at all its meetings and possess all the powers of a member  
25 of council.

26 e. Every ordinance adopted by the council shall be presented to  
27 the mayor within five days after its passage, Sundays excepted, by  
28 the town clerk. The mayor shall, within ten days after receiving the  
29 ordinance, either approve it by affixing his signature thereto or  
30 return it to the council by delivering it to the clerk together with a  
31 statement setting forth his objections thereto. No ordinance shall  
32 take effect without the mayor's approval, unless the mayor fails to  
33 return the ordinance to the council, as prescribed above, or unless  
34 the council, upon consideration of the ordinance following its  
35 return, shall, by a vote of two-thirds of all members of the council,  
36 resolve to override the veto.

37 f. No ordinance shall be passed except by a vote of a majority  
38 of the members of the council present at the meeting, provided that  
39 at least four affirmative votes shall be required for such purpose.

40 g. The mayor shall appoint all of the members of the municipal  
41 utilities authority in municipalities where such an authority has  
42 been created by the municipal governing body pursuant to the  
43 provisions of P.L.1957, c.183 (C.40:14B-1 et seq.).

44 h. The mayor may veto the minutes of a local authority  
45 pursuant to the provisions of section 22 of P.L.1983, c.313  
46 (C.40A:5A-22).

47 (cf: P.L.1991, c.10, s.2)

1       20. N.J.S.40A:63-5 is amended to read as follows:

2       40A:63-5. a. The mayor shall be the chairman of the township  
3 committee and head of the municipal government. In those  
4 townships divided into wards the mayor shall be the member of the  
5 township committee elected at large.

6       b. The mayor shall have all those powers placed in the mayor  
7 by general law.

8       c. The mayor shall preside at meetings of the committee and  
9 shall have the right to debate and vote on all questions before the  
10 committee.

11       d. The mayor may veto the minutes of a local authority  
12 pursuant to the provisions of section 22 of P.L.1983, c.313  
13 (C.40A:5A-22).

14 (cf: N.J.S.40A:63-5)

15

16       21. This act shall take effect immediately.

17

18

19

#### STATEMENT

20

21       This bill would authorize the mayor of a municipality that has  
22 created an authority, with the consent of a majority of the members  
23 of the municipality's governing body, to veto any action taken by  
24 certain municipal authorities.

25       The bill requires certain local authorities, including municipal  
26 hospital, parking, incinerator, port, and housing authorities, to  
27 submit their minutes to the municipality. The bill does not provide  
28 a mayor with the power to veto the minutes of certain tourism  
29 authorities.